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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,231	09/29/2003	Larry E. Maple	10970672-4	1894

7590 11/21/2005

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

WILLS, MONIQUE M

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,231

Applicant(s)

MAPLE, LARRY E.

Examiner

Monique M. Wills

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28 and 30-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28,33 and 37 is/are rejected.
- 7) ☒ Claim(s) 30-32 and 34-36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/14/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This Office Action is responsive to the Amendment filed September 14, 2005. Claims 30-32, 34-36 remain objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 28 & 33 stand rejected under 35 U.S.C. 102(b) as being anticipated by McDermott U.S. Patent 5,050,053. Claim 37 stands rejected under 35 U.S.C. 103(a) as being unpatentable over McDermott U.S. Patent 5,050,053 as in view of Garrett et al. U.S. Patent 6,708,887. A brief reiteration is recited below.

Allowable Subject Matter

Claims 30-32, 34-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to claims 30 & 31, the instant claims would be allowable over the prior art of record, because the prior art is silent to a battery case constructed such that a curved edge of the terminal of a first installed battery is in contact with a planar terminal surface of an abutting second installed battery or an abutting device contact; and means for urging the first installed

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battery toward the second installed battery or the device contact such that the curved edge of the terminal applies a pressure sufficient to rupture the insulating contaminant layer disposed on the surface of the abutting terminal of the second installed battery or abutting device contact.

With respect to claim 32, the rupturing means comprises: a coiled spring battery cant disposed at one end of the battery compartment, the contact comprising a plurality of concentric windings with a terminal contact point on the upper end turn thereof, the terminal contact point configured to contact an abutting battery sufficient to cause the terminal contact point to rupture an insulating contaminant layer on the abutting battery terminal surface.

With respect to claims 34-35, the removing means comprises a battery case constructed such that a curved edge of the terminal of a first installed battery is in contact with a planar terminal surface of an abutting second installed battery or an abutting device contact; and means for imparting a relative lateral motion between the adjacent batteries and/or between the first installed battery and the device contact when the batteries are installed in the battery compartment, wherein such lateral movement is sufficient to remove at least a portion of the insulating contaminant layer on the surface of the abutting battery terminal or device contact.

With respect to claim 36, wherein the means for imparting a relative lateral motion comprises: the battery compartment configured such that a distance between device contacts disposed on opposing ends of the battery

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compartment is less than the length of the serially aligned batteries, wherein a spring force applied by the device contacts to compress the batteries against each other can be overcome by a force applied to a partially installed second battery that causes a relative lateral movement between the second battery and a previously installed first battery.

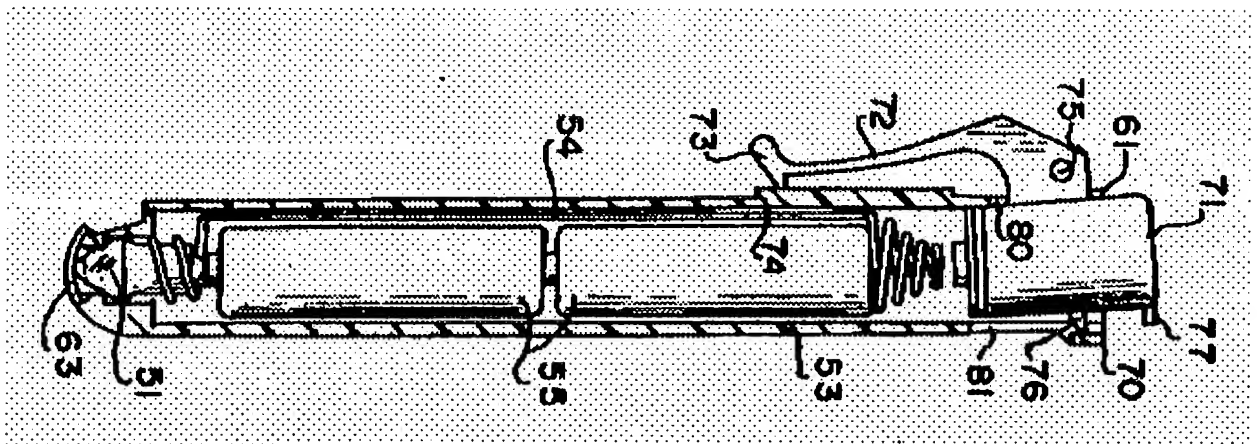
Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 28 & 33 are rejected under 35 U.S.C. 102(b) as being anticipated by McDermott U.S. Patent 5,050,053.



With respect to claim 28, McDermott teaches a battery-powered device (10) comprising positive and negative contacts (col. 4, lines 25-35) and coiled spring means for minimizing battery-to-battery contact resistance (col. 7, lines 1-5). As to the limitation for rupturing an insulating contaminant layer disposed on portion of one or more abutting battery terminals, the coiled spring contact is capable of performing said function. With respect to claim 33, the limitation for removing an insulting contaminant layer disposed on the portions of the battery terminals that contact each other, the spring contact is capable of performing said function. Therefore, the instant claims are anticipated by McDermott.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over McDermott U.S. Patent 5,050,053 as in view of Garrett et al. U.S. Patent 6,708,887.

McDermott teaches a battery compartment with means for reducing internal battery resistance as described in the § 102 rejection cited hereinabove.

The reference is silent to employing the battery in a hand-held scanner.

Garrett teaches a hand-held scanner in electrical communication with a computer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the hand-held scanner of Garrett with a battery compartment of McDermott in order to increase portability of the scanner.

Response to Arguments

Applicant contends that McDermott is not anticipatory because the reference fails to recognize the presence of a contaminant layer on the battery terminal. To establish inherency, “the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference...’” (See, MPEP 2112, citing *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981).) Specifically, the reference does not teach or suggest the contaminant layer is “necessarily present” on the battery terminal. This argument is not persuasive, as the claim language only requires “means for rupturing an insulating contaminant layer” and does not require

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that the battery-powered device contain the “contaminant layer” itself. In other words, the claims necessitate a “means” that is capable of rupturing an insulating contaminant layer. Therefore, the spring assembly of McDermott anticipates the instant claims because the spring is capable of rupturing the containment layer, although a contaminant layer is not necessarily present.

Applicant also contends that the McDermott spring is not capable of performing the necessary functions because the compressed spring has insufficient pressure to rupture the contaminant layer. The Applicant points to Figures 2, 5, 12, 16 & 37 to illustrate the spring’s insufficient pressure, by stating that “[i]n none of these figures is the case in contact with the battery thereby indicating that the design as taught by McDermott does not apply sufficient pressure to cause any portion of the spring, or any other element, to rupture the containment layer”. However, it is not clear from either the instant claims or specification that spring compression strength is dispositive of whether the case is in contact with the battery. In other words, it is unclear as to how insufficient spring compression is determined by the arrangement between the case and battery. The claims only require that the spring is capable of rupturing an insulating contaminant layer and does not necessitate: the juxtaposition between the casing and battery; the thickness of the insulating layer; or minimum compression strength. Therefore, it is reasonable to expect that a spring capable of holding a battery in place has sufficient compression strength to rupture an insulating layer.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Monique Wills whose telephone number is (571) 272-1309. The Examiner can normally be reached on Monday-Friday from 8:30am to 5:00 pm.

If attempts to reach Examiner by telephone are unsuccessful, the Examiner's supervisor, Michael Barr, may be reached at 571-272-1414. The

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fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MW

11/14/05

MICHAEL BARR
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'M. Barr', with a long horizontal flourish extending to the right.